



Ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9214**
Sadanobu SHIRAI : Attorney Docket No. 2005_1129A
Serial No. 10/542,932 : Group Art Unit 1615
Filed July 21, 2005 : Examiner Melissa S. Mercier
THIN AQUEOUS CATAPLASM : **Mail Stop Amendment**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

This is responsive to the Office Action of December 7, 2006, constituting a requirement for an election of species.

Initially, although the Office Action Summary page indicates that claims 1-8 are pending in the application, a Preliminary Amendment was filed with the present application on July 21, 2005, amending claims 4-8 (to avoid their multiple dependency) and adding new claims 9-24. Accordingly, the pending claims are claims 1-24.

In response to the requirement for election of species, Applicant hereby elects support A, with traverse.

The Examiner takes the position that the listed species do not relate to a single general inventive concept because they lack the same or corresponding special technical features. The Examiner specifically refers to WO 94/02674 as showing that laminated adhesive layers on supports are well known in the art. However, Applicant takes the position that the WO '674 reference does not suggest the subject matter of the present claims, since the present claims do not have a paper pad layer. Accordingly, the WO '674 reference does not establish lack of a

single general inventive concept, and the requirement for election of species is therefore considered to be improper.

The claims which read on the elected species are claims 1-2, 4-6, 8-9, 11, 13-16, 19 and 21-23.


The Examiner requires that Applicant identifies which grouping claim 8 relates to. In response, claim 8 relates to both supports A and B.

Applicant emphasizes that his election is without prejudice to his rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits is requested.

Respectfully submitted,

Sadanobu SHIRAI

By: 
Michael R. Davis
Registration No. 25,134
Attorney for Applicant

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 5, 2007